



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen Strittmatter, et al.

Serial No.: 10/519,132

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For: Modulators and Modulation of the Interaction
between RGM and Neogenin

Examiner: Dutt, Aditi

Group Art Unit: 1649

Confirmation No. 7561

Attorney Docket No.: 233380-602 Natl

Abbott Docket No.: 8155USO1

Date: May 21, 2007

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RESPONSE TO RESTRICTION REQUIREMENT

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The following is in response to the Restriction Requirement mailed November 20, 2006. This reply is accompanied by a request and authorization to debit deposit account 01-0025 for a three month extension of time which extends the time for reply from February 20, 2007 to May 20, 2007.

The Office Action sets forth a restriction requirement between Groups I – X. Applicants respectfully request reconsideration of the restriction requirement as regards to the Groups I, II, III, IV and V. While the inventions may be independent and distinct, it does not appear that an undue burden would be placed on the Examiner to search and consider both of the inventions and claimed subject matter at the same time.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed and (2) there must be a serious burden on the Examiner if restriction is not required. M.P.E.P. § 803. Consequently, as set forth in M.P.E.P. § 803: “If the search and examination of an entire

application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

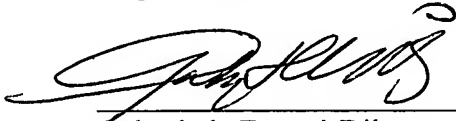
Here, given the relationship between the inventions of Groups I-V, it would appear that a search as to the inventions of Group I, for example, would overlap to a significant extent a search as to the invention of Groups II, III, IV and V. Accordingly, applicants submit that the examination of the invention of Groups II, III, IV and V could be carried out at the same time as the examination of Group I, without an undue burden being placed upon the Examiner.

In the event applicant’s comments are not persuasive, applicants elect the invention covered by the **Group I** (claims **1, 7 and 8**). Applicants reserve the right to file divisional applications on all of the non-elected groups.

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Respectfully submitted,
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